

**Treasury Documentation****Subject:** Progressive Corrective Action and Discipline**For:** EMPLOYEE HANDBOOK  
SUPERVISOR HANDBOOK**Also See:** BT-03049; ET-03061;  
PT-03057; Civil Service Rules**Identification** ET-03125  
Policy  
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**Discipline and Other Corrective Action**

Employees may expect discipline for actions prohibited by the employer or for failure to take actions required by the employer. Corrective action depends on the gravity of the offense. Any of the following corrective actions may be taken:

1. Verbal counseling\*
2. Written counseling memo\*
3. Written reprimand
4. Conditional or unsatisfactory rating
5. Suspension without pay
6. Reduction in pay
7. Demotion
8. Dismissal.

\*Verbal and written counseling are not considered discipline, but may be used to address minor problems.

Discipline for a first offense will normally begin with a written reprimand. However, suspension, demotion or termination may be imposed for more serious work rule violations even in the absence of previous disciplinary action.

Written reprimands and subsequent disciplinary documentation will become a part of the employee's official Personnel file.

**Suspensions**

Employees may be suspended from duty for any of the causes for disciplinary action. The period of suspension varies with the nature of the offense. Discipline less than discharge or demotion will not normally exceed a suspension of five work days. Aggravating circumstances may increase the length of suspension, not to exceed ten work days.

Suspension may also be used to provide the Department an opportunity to investigate the case and advise both the employee and his or her supervisor of future action to be taken. A suspension without pay is equivalent to a disciplinary layoff.

**Dismissals**

Dismissal is generally reserved for repeated violations. However, some misconduct is so egregious that a single incident justifies termination of employment. By way of illustration, not limitation, examples of serious misconduct are listed as "intolerable offenses" in Bulletin BT-03049 in the Employee Handbook.

Absent mitigating circumstances, an employee will be dismissed after five documented policy or rule violations. Nothing in these guidelines shall preclude the dismissal of an employee with fewer than five violations.

**Note:** Employees covered by a labor contract should refer to the terms of their collective bargaining agreements.

Aggravating and mitigating circumstances that support a departure from the normal practices identified in this Policy shall be considered in imposing discipline.

### **Disciplinary Conferences**

Whenever it is considered necessary to dismiss, demote or suspend an employee, a disciplinary conference will be scheduled, subject to the employee's availability and written notice to the employee of the claimed violation and proposed penalty, and the date, time and place of the disciplinary conference. The failure of the employee to attend the disciplinary conference waives his or her right to such conference and does not prevent the appointing authority from determining and imposing the appropriate penalty. An employee may write a response to the results of the conference that will be attached to any record of disciplinary action and become a part of the employee's Personnel file.

### **Representation at Disciplinary Conferences**

An employee scheduled for a disciplinary conference is entitled to representation, as provided in Civil Service Rule 6-5.4. The employee's right to representation is limited to one representative. It is the employee's responsibility to notify the representative of the conference. The conference shall not be unreasonably delayed to arrange representation.

Employees may be represented at a disciplinary conference by any of the following:

1. An employee or agent of a limited recognition organization
2. An attorney
3. Another nonexclusively represented employee.

A nonexclusively represented employee may not be represented by an employee in a bargaining unit.

### **Role of the Representative at Disciplinary Conferences**

The role of the representative at a disciplinary conference is to:

- Offer support so as to ensure that the employee is not unduly pressured during the conference.
- Help the employee understand the charges against him or her and the resulting disciplinary action, if any.

- Point out any information of significance from the employee's perspective.

The representative's role does not include answering questions for the employee. The representative may not interrupt, interfere with or otherwise obstruct the conference.

### **Administrative Leave for Representative at Disciplinary Conferences**

A departmental employee representing another employee (i.e., a nonexclusively represented employee representing another nonexclusively represented employee) will be entitled to administrative leave for the time spent on representation only if the employee representative is from the same principal department or autonomous agency as the subject of the disciplinary conference. (See Chapter 6, pages 9 and 10, of the Civil Service Rules). Travel expenses are not covered.

A certified exclusive represented employee representing another employee outside of his/her bargaining unit is not authorized administrative leave to represent the employee. The employee representative must use annual leave for the time spent on representation.

### **Filing a Grievance**

Employees who wish to appeal tangible adverse employment actions may file a grievance. Refer to Procedure PT-03057 in the Employee Handbook and Civil Service Rules 8-1 and 8-2 regarding grievances and grievance appeals. Employees may consult the Labor Relations Officer in Human Resources Division for assistance, if needed.

**Note:** Contract-covered employees should refer to the approved grievance procedure defined in their collective bargaining agreement for their respective bargaining unit.

**End**